

10/013,987

REMARKS

Claims 1-34 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 33-39 of U.S. Patent No. 6,499,843 in view of Liang, et al (US 6,270,221). This rejection is respectfully traversed.

The present claims recite a contact lens having a physical design parameter determined by an objective waveform measurement of a plurality of in-situ trial contact lenses each having a different value of the physical design parameter for a given correcting power.

The '843 patent does concern fitting a patient with a contact lens and uses a trial lens. The '843 patent does not use a plurality of trial lenses and does not use a plurality of lenses having the characteristics recited in the present claims.

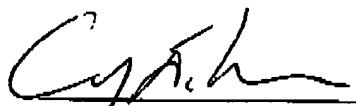
Liang, in pertinent part, teaches a method of extending the dynamic range of a waveform measuring device. Liang does not teach a method for fitting contact lenses.

Neither reference, alone or in combination, teaches or suggests the claimed invention. The Examiner is requested to reconsider and withdraw the double patenting rejection.

Enclosed is a Two-Month Extension of Time.

Applicant submits that this application is in allowable condition and a favorable action toward that end is requested.

Respectfully submitted,



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